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C. P. M. K.

EVANGELISTA & QUIBAN
Attorneys at Law, A Law Corporation

ALFREDO G. EVANGELISTA #3373
Ocean View Center, Suite #710
707 Richards Street
Honolulu, Hawaii 96813
Telephone No.: (808)528-3955
Facsimile No.: (808)523-9476
E-mail Address: age-esq@hawaii.rr.com

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 31 2006

at 7 o'clock and 17 min. P.M.
SUE BEITIA, CLERK

Attorney for Defendant
DYNAMIC INTERIORS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAII CARPENTERS TRUST	)	CIVIL NO. CV02-00425 JMS BMK
FUNDS, (<i>Health and Welfare Fund</i> by))	
its trustees Albert Hamamoto, Audrey	)	DEFENDANT DYNAMIC
Hidano, Henry Iida, Glen Kaneshige,	)	INTERIORS, INC.'S MEMORANDUM
Thomas Toma, Daniel Tom, Elmer	)	IN OPPOSITION TO PLAINTIFF'S
Cabico, Paul C.K. Chang, Ronald	)	MOTION FOR ENTRY OF DEFAULT
Taketa, Melvin Fujii, Clifford Resacio,	)	JUDGMENT AGAINST DEFENDANT
Russell Young and Keith Hirota;	)	DYNAMIC INTERIORS, INC.;
<i>Apprenticeship & Training Fund</i> by its )	)	DECLARATION OF EDDIE
trustees James Ramirez, Russell Ogata,	)	AGUINALDO; EXHIBITS "A" - "F";
Conrad Murashige, Robert Donle,	)	CERTIFICATE OF SERVICE
Angela Chinen, Dante Agra, Ron)	
Taketa, Sidney Shimokawa, Dean	)	DATE: April 21, 2006
Takahashi and Russel Hiranaka;	)	TIME: 2:30PM
<i>Vacation & Holiday Fund</i> by its	)	JUDGE: The Hon. Barry Kurren
trustees James Watanabe, James)	
Ramirez, Gerard Sakamoto, Paul	)	Trial Date: None
Sasaki, Jiggs Tamashiro, Mark Erwin,)	
Michael Spain, Jr., Rockwell Rogers,)	
Jr., Curtis Kern, Patrick Borge, Sr. and)	
Lloyd Kupau, Jr.; <i>Market Recovery</i>)	

Program by its trustees Edmund)
 Aczon, Thalia Choy, Steven Hidano,)
 Claude Matsumoto, Gerard Sakamoto,)
 Albert Belliveau, Michael Spain, Jr.,)
 Ronald Taketa, Glenn Young and)
 Jason Orita; *Financial Security Fund*)
 by its trustees Kenneth Sakurai,)
 Gordon L. Scruton, James Watanabe,)
 Conrad Murashige, Lance Wilhelm,)
 Brian Hedge, Rockwell Rogers, Jr.,)
 Bruce Soileau, Ronald Taketa, Tim)
 McCormack, Kenneth Spence, Jack)
 Reeves and Ralph Yackley),)
)
 Plaintiffs,)
)
 vs.)
)
 DYNAMIC INTERIORS, INC., a)
 Hawaii corporation,)
)
 Defendant.)
 _____)

DEFENDANT DYNAMIC INTERIORS, INC.'S
 MEMORANDUM IN OPPOSITION TO
 PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT DYNAMIC INTERIORS, INC.

Defendant DYNAMIC INTERIORS, INC., a Hawaii Corporation, by
 and through its undersigned counsel, EVANGELISTA & QUIBAN, Attorneys at
 Law, A Law Corporation, hereby files its Memorandum in Opposition to
 Plaintiff's Motion for Entry of Default Judgment.

By its Motion, Plaintiff is seeking Judgment in the amount of \$113,434.27 plus attorney's fees and costs. Defendant Dynamic Interiors, Inc. disputes the amount claimed by Plaintiff.

First, the amount set forth as Exhibit "4" to Plaintiff's counsel's Declaration is just a summary of the amounts allegedly owed. Presumably these amounts were from audits conducted by Plaintiff. There has been no testimony from anyone who actually conducted the audits that these amounts are in fact correct. Plaintiff's counsel did not personally conduct the audit and his Declaration is insufficient to prove the amounts claimed.

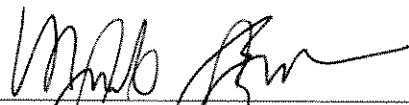
Second, there is a significant dispute whether any amounts for contributions are in fact owed. Although Plaintiff's Complaint filed on July 10, 2002 alleged the amount of \$93,314.23, Plaintiff's initial Motion for Default Judgment filed on January 16, 2003 claimed the amount of \$39,712.12.

Defendant believes there were certain payments made that have not been correctly posted to Defendant's account. Defendant has again reviewed its reports, its checks, and the checks paid through joint checks or directly by the general contractor and as far as contributions, there is a credit due to Defendant in the amount of \$21,887.85. See Declaration of Eddie Aguinaldo and the attached Exhibits thereto. Additionally, the amount of liquidated damages would depend

on whether contributions were owed for that particular month.

For the foregoing reasons, Defendant Dynamic Interiors, Inc. respectfully request that this Court deny Plaintiff's Motion for Judgment in the amount of \$113,434.27 plus attorney's fees and costs.

Dated: Honolulu, Hawaii, March 31, 2006.



ALFREDO G. EVANGELISTA
Attorney for Defendant
DYNAMIC INTERIORS, INC.